

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BUTTE DIVISION**

JAMEISON BEAM,

Plaintiff,

vs.

JAMES MATTIS,

Defendant.

CV 18-40-BU-BMM-JCL

ORDER

Plaintiff Jameison Beam (Beam) is a prisoner incarcerated at the Montana State Prison. Beam filed a Complaint *pro se* on June 27, 2018. (Doc. 2). The named Defendant is James Mattis (Mattis), the United States Secretary of Defense. Beam alleges that Mattis allowed illegal experimentation and psychological torture to be conducted on prisoners at the Gallatin County Detention Facility in Bozeman, Montana, and at the Montana State Prison. (Doc. 2 at 7-9). Beam alleges that Mattis violated his rights under the First, Fourth, Eighth, Ninth and Thirteenth Amendments to the United States Constitution in contravention of 42 U.S.C. § 1983. (Doc. 2 at 5-7).

United States Magistrate Judge Jeremiah Lynch conducted an initial screening of Beam's Complaint under 28 U.S.C. § 1915 on June 29, 2018. (Doc. 4). Judge Lynch determined that the Complaint failed to state a claim upon which relief may be granted. (Doc. 4 at 7). Judge Lynch explained why the Complaint failed to state a cognizable claim for relief under federal law. (Doc. 4 at 3-7). Judge Lynch explained that the allegations in the Complaint failed to allege how "Mattis could possibly be responsible for the conditions of confinement at the Gallatin County Detention Facility or any other correctional facility in Montana." (Doc. 4 at 6). Judge Lynch recommended that Beam's Complaint be dismissed for failure to state a federal claim. (Doc. 4 at 7). Beam filed an objection to Judge Lynch's Findings and Recommendations on July 9, 2018. (Doc. 5).

The Court reviews de novo findings and recommendations to which objections are made. 28 U.S.C. § 636(b)(1)(C). The Court reviews for clear error all other findings and recommendations. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). The Court finds no error in Judge Lynch's Findings and Recommendations, and adopts them in full.

Accordingly, IT IS ORDERED:

1. Beam's Complaint (Doc. 2) is DISMISSED with prejudice.
2. The filing of this action counts as one strike for failure to state a claim

upon which relief may be granted. 28 U.S.C. § 1915(g).

3. Any appeal of this decision would not be taken in good faith as Beam's Complaint lacks arguable substance in law or fact.

4. The Clerk is directed to enter judgment accordingly.

DATED this 15th day of August, 2018.



Brian Morris
United States District Court Judge